

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS DIVENUTA, :  
: Plaintiff, :  
v. : CIVIL ACTION NO. 09-3657  
: :  
BILCARE, INC., : Defendant. :  
: :  
: :

**ORDER**

**AND NOW**, this 30th day of March, 2011, upon careful consideration of defendant Bilcare, Inc.’s (“Bilcare’s”) motion for summary judgment (docket no. 32), plaintiff Dennis Divenuta’s (“Divenuta’s”) opposition thereto, and Bilcare’s reply, **IT IS HEREBY ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Bilcare’s motion for summary judgment is **GRANTED** as to count I, alleging breach of contract, but only with respect to Divenuta’s claim regarding the reduction in his salary, and judgment is **ENTERED** in favor of Bilcare and against Divenuta with respect to that claim. The motion is **DENIED** as to count I with respect to Divenuta’s claim regarding Bilcare’s failure to pay incentive compensation. Bilcare’s motion to strike Divenuta’s claim for damages resulting from the alleged decline in his credit score is **GRANTED**.

2. Bilcare’s motion for summary judgment is **GRANTED** as to count II, asserting promissory estoppel, and judgment is **ENTERED** in favor of Bilcare and against Divenuta as to this count.

3. Bilcare’s motion for summary judgment is **GRANTED** as to count III, alleging

violations of Pennsylvania's Wage Payment and Collection Law, but only with respect to Divenuta's claim for severance, and judgment is **ENTERED** in favor of Bilcare and against Divenuta with respect to the severance claim. The motion is **DENIED** as to count III with respect to Divenuta's claims regarding Bilcare's failure to pay incentive compensation and to timely pay the final installment of his sign-on bonus. Judgment is **ENTERED** in favor of Divenuta and against Bilcare in the amount of \$1,250.00.

4. Trial in this matter is scheduled for May 31, 2011, at 10:00 a.m.

/s/ William H. Yohn Jr., Judge  
William H. Yohn Jr., Judge